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**SOAH DOCKET NO. 473-21-0538
PUC DOCKET NO. 51415**



**APPLICATION OF SOUTHWESTERN § BEFORE THE STATE OFFICE
ELECTRIC POWER COMPANY FOR § OF
AUTHORITY TO CHANGE RATES § ADMINISTRATIVE HEARINGS**

**TEXAS INDUSTRIAL ENERGY CONSUMERS’
FIFTH SET OF REQUESTS FOR INFORMATION
TO SOUTHWESTERN ELECTRIC POWER COMPANY**

Pursuant to 16 T.A.C. § 22.144, Texas Industrial Energy Consumers (“TIEC”) requests that Southwestern Electric Power Company (“SWEPCO”) provide all of the information requested in Exhibit “A” within the time frame specified under the procedural schedule set in this proceeding.

Pursuant to 16 T.A.C. § 22.144(c)(2), TIEC further requests that answers to the requests for information be made under oath. Each answer should identify the person responsible for preparing that answer (other than the purely clerical aspects of its preparation) and the name of the witness in this proceeding who will sponsor the answer and who can vouch for its accuracy. In producing documents pursuant to this request for information, please indicate the specific request(s) to which the document is being produced. These requests are continuing in nature, and should there be, for any reason, a change in circumstances which would modify or change an answer supplied by you, such changed answer should be submitted immediately as a supplement to your original answer pursuant to 16 T.A.C. § 22.144(i). Please answer each request and sub-request in the order in which they are listed and in sufficient detail to provide a complete and accurate answer to the request. TIEC further requests that each item of information be made available as it is completed, rather than upon compilation of all information requested.

All information responsive to the requests on the attached Exhibit “A” should be sent to the following persons via overnight courier, on a piecemeal basis as individual items become available:

Mr. Rex D. VanMiddlesworth
Mr. Benjamin B. Hallmark
Mr. James Z. Zhu
Thompson & Knight LLP
98 San Jacinto Boulevard, Ste. 1900
Austin, Texas 78701
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DEFINITIONS AND INSTRUCTIONS

A. "SWEPCO," "the Company" or "you" refers to Southwestern Electric Power Company, and its affiliates, subsidiaries, and any person acting or purporting to act on their behalf, including without limitation, attorneys, agents, advisors, investigators, representatives, employees or other persons. This definition is not intended to extend an RFI to encompass attorney work product.

B. "Applicant" refers to Southwestern Electric Power Company, and their affiliates, subsidiaries, and any person acting or purporting to act on their behalf, as it relates to the true-up proceeding and related appeals, including without limitation, attorneys, agents, advisors, investigators, representatives, employees or other persons.

C. The terms "document" or "documents" are used in their broadest sense to include, by way of illustration and not limitation, all written or graphic matter of every kind and description whether printed, produced, reproduced or stored by any process whether visually, magnetically, mechanically, electronically or by hand, whether final or draft, original or reproduction, whether or not claimed to be privileged or otherwise excludable from discovery, and whether or not in your actual or constructive possession, custody, or control. The terms include writings, correspondence, telegrams, memoranda, studies, reports, surveys, statistical compilations, notes, calendars, tapes, computer disks, data on computer drives, e-mail, cards, recordings, contracts, agreements, invoices, licenses, diaries, journals, accounts, pamphlets, books, ledgers, publications, microfilm, microfiche and any other data compilations from which information can be obtained and translated, by you if necessary, into reasonably usable form. The definition includes electronic information that has been deleted. "Document" or "documents" shall also include every copy of a document where the copy contains any commentary or notation of any kind that does not appear on the original or any other copy.

D. Pursuant to Rule 196.4 of the Texas Rules of Civil Procedure, TIEC specifically requests that any electronic or magnetic information (which is included in the definition of "document") that is responsive to a request herein be produced on CD-ROM in a format that is compatible with Adobe Acrobat, Microsoft, Macintosh and/or Word Perfect and be produced with your response to these requests. If emails are responsive to these requests, please provide a searchable .pdf copy of the entire email string. Attachments to emails should be provided with the

email in searchable .pdf form, unless it is stored in a different format, in which the attachment should be produced in its native format and provided on CD-Rom.

E. The terms “and” and “or” shall be construed both disjunctively and conjunctively as necessary to make the request inclusive rather than exclusive.

F. “Each” shall be construed to include the word “every” and “every” shall be construed to include the word “each.”

G. “Any” shall be construed to include “all” and “all” shall be construed to include “any.”

H. The term “concerning,” or one of its inflections, includes the following meanings: relating to; referring to; pertaining to; regarding; discussing; mentioning; containing; reflecting; evidencing; describing; showing; identifying; providing; disproving; consisting of; supporting; contradicting; in any way legally, logically or factually connected with the matter to which the term refers; or having a tendency to prove or disprove the matter to which the term refers.

I. The term “including,” or one of its inflections, means and refers to “including but not limited to.”

J. Words used in the plural shall also be taken to mean and include the singular. Words used in the singular shall also be taken to mean and include the plural.

K. The present tense shall be construed to include the past tense, and the past tense shall be construed to include the present tense.

L. If any document is withheld under any claim of privilege, please furnish a list identifying each document for which a privilege is claimed, together with the following information: date, sender, recipients of copies, subject matter of the document, and the basis upon which such privilege is claimed.

M. Pursuant to 16 T.A.C. § 22.144(h)(4), if the response to any request is voluminous, please provide a detailed index of the voluminous material.

N. If the information requested is included in previously furnished exhibits, workpapers, and responses to other discovery inquiries or otherwise, in hard copy or electronic format, please furnish specific references thereto, including Bates Stamp page citations and detailed cross-references.

O. The term “emails” includes the entire email string and all attachments found anywhere within the email string. Please refer to paragraph “D.” regarding specific instructions for producing such items.

P. “Communications” refers to correspondence of any kind, including emails.

Q. “Identify” and “describe” shall have the meaning set forth below according to the context in which the term is used:

- i. When used in reference to an individual, shall mean to state his or her full name, business affiliation, job title, and business address and telephone number;
- ii. When used in reference to a corporation, shall mean to state its full name, its state of incorporation, its address and its principal place of business;

- iii. When used in reference to any entity other than an individual or corporation, shall mean to state its official name, its organizational form and its address;
- iv. When used in reference to a document, shall mean to state the type of document, date, author, addressee, title, its present location, the name and address of its custodian, and the substance of the contents thereof. In lieu of identifying any document, copies thereof may be furnished; and
- v. When used in reference to a communication, shall mean to state the form of the communication (e.g., telephone conversation, letter, telegram, teletype, telecopy, written memorandum, face to face conversation, or any other form), the date of the communication or the dates on which the communication was sent and/or received if not the same, the parties to the communication, the party who initiated it, the substance of the communication, and the present location and the name and address of the custodian if the communication was non-verbal and/or of any written memorialization of the communication.

Respectfully submitted,

THOMPSON & KNIGHT LLP

/s/ James Z. Zhu

Rex D. VanMiddlesworth

State Bar No. 20449400

Benjamin B. Hallmark

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(512) 469.6100

(512) 469.6180 (fax)

**ATTORNEYS FOR TEXAS INDUSTRIAL
ENERGY CONSUMERS**

CERTIFICATE OF SERVICE

I, James Z. Zhu, Attorney for TIEC, hereby certify that a copy of the foregoing document was served on all parties of record in this proceeding on this 19th day of January, 2021 by facsimile, electronic mail and/or First Class, U.S. Mail, Postage Prepaid.

/s/ James Z. Zhu

James Z. Zhu

Exhibit “A”

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- TIEC 5-1** Please provide the dollar impact on SWEPCO’s revenue requirement in this case of including versus excluding retail behind-the-meter generation in the monthly peak load that SWEPCO reports to SPP.
- TIEC 5-2** Please provide a narrative explanation of how SWEPCO identifies and quantifies the amount of load being served by behind-the-meter generation for purposes of reporting monthly peak load data to SPP.
- TIEC 5-3** Please indicate how many MW or kW of load would be included in SWEPCO’s reporting of monthly peak load data to SPP in each of the following circumstances:
- a. an interruptible customer that uses 50 MW of power during most hours of the month but is not consuming power at the time of the monthly peak of the SWEPCO zone.
 - b. a firm customer whose load varies over the course of the month between 10 MW and 50 MW, but that is only consuming 10 MW at the time of monthly peak of the SWEPCO zone.
 - c. a backup customer that self-supplies 50 MW of its own load with behind-the-meter generation throughout the month and does not take any backup or other power from SWEPCO during the month.
 - d. a customer that has 50 MW of load supplied by behind-the-meter generation, which load is integrated with the generation so that the customer will never take more than 10 MW of backup or standby power from SWEPCO, and which is not taking any power from SWEPCO at the time of the monthly peak of the SWEPCO zone.
 - e. a residential or commercial solar customer that is generating 10 kW of its 20 kW load at the time of the monthly peak of SWEPCO zone.

- TIEC 5-4** Is it SWEPCO's position that all load served by retail behind-the-meter generation must be included in reporting SWEPCO's monthly peak load data to the SPP, even if that load could never be served by SPP's or SWEPCO's transmission or distribution grid (i.e., load that drops off when the retail behind-the-meter generation goes down)? Please explain why or why not.
- TIEC 5-5** Please provide a narrative explanation of how SWEPCO quantifies load served behind the meter by a Qualifying Facility in reporting monthly net peak load to SPP.
- TIEC 5-6** 18 CFR §292.305(c)(i) provides that "The rates for sales of backup power or maintenance power . . . shall not be based on an assumption (unless supported by factual data) that forced outages or other reductions in output by all qualify facilities on an electric utility's system will occur simultaneously or during the time of system peak, or both." Please state SWEPCO's position on whether this regulation impacts the monthly peak load data it includes for load served by a QF behind the meter and, if not, please explain why not.
- TIEC 5-7** Does SWEPCO build its transmission system to serve the maximum non-coincident peak of each customer?
- TIEC 5-8** Is the maximum non-coincident peak of each customer included in SWEPCO's reporting to SPP of its monthly peak load data?